

FILED

JAN 14 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION :	Administrative Action
OR REVOCATION OF THE LICENSE OF :	
:	
EVA-MARIE HOLLANDER, RN :	FINAL ORDER
License # 26NR11654300 :	OF DISCIPLINE
:	
TO PRACTICE NURSING IN THE :	
STATE OF NEW JERSEY :	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Eva-Marie Hollander ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times.

2. On June 4, 2012, Respondent renewed her nursing license online and certified that she had completed the required continuing education for the June 1, 2010 - May 31, 2012 biennial period.

3. The Board received information that Respondent was arrested on February 15, 2013 by members of the Camden Police

Department and charged with violating N.J.S.A. 2C:5-1 (Criminal Attempt Possession of Controlled Dangerous Substance) and N.J.S.A. 2C:5-1 (Criminal Attempt Possess/Distribute Hypodermic Needle).

4. On or about February 22, 2013, the Board sent Respondent a letter to her address of record in Hainesport, New Jersey, via regular and certified mail, seeking information about her February 15, 2013 arrest, nursing employment, and continuing education. The letter reminded Respondent of her statutory and regulatory duty to cooperate with a Board investigation. The regular mailing was not returned. The certified mailing was returned as "unclaimed." Respondent failed to reply.

5. The Board received information indicating that on July 30, 2013, a Judge of the Camden Municipal Court dismissed both charges stemming from the February 22, 2013 arrest.

6. The Board received information that Respondent was arrested on September 14, 2013 by members of the Cherry Hill Police Department and charged with violating N.J.S.A. 2C:20-11 (Shoplifting), N.J.S.A. 2C:35-10(a)(1) (Possess Controlled Dangerous Substance), N.J.S.A. 2C:36-6 (Possess/Distribute Hypodermic Needle), and N.J.S.A. 2C:36-2 (Possession of Drug

Paraphernalia).

7. A review of information retained by the Board indicates that Respondent had a previous drug-related arrest in June 2010, completed a diversionary program/Pre-Trial Intervention, and the case was dismissed.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's inquiry constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct within the meaning of N.J.S.A. 45:1-21(e), and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of license. N.J.A.C. 13:37-5.3(a). Additionally, a nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

By virtue of having failed to respond to the inquiry,

Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed 30 hours of required continuing education during the June 1, 2010 - May 31, 2012 biennial period. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within the intendment of N.J.S.A. 45:1-21(h). Additionally, Respondent engaged in the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 1-21(b) by falsely certifying on her renewal application that she had completed the required continuing education when she did not demonstrate that she did so.

Lastly, Respondent's three drug-related arrests in just over three years raise significant issues as to Respondent's drug use such that testing, monitoring, evaluation, and treatment are warranted, as a condition for reinstated licensure, to evaluate whether Respondent's continued practice as a nurse may jeopardize the safety and welfare of the public pursuant to N.J.S.A. 45:1-22(e) and (f).

Based on the foregoing findings and conclusions, a

Provisional Order of Discipline suspending Respondent's license to practice nursing in the State of New Jersey was entered on October 15, 2013 and a copy was forwarded to Respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Although the United States Postal Service track and confirm system indicates that the Provisional Order sent by means of certified mail was "unclaimed," the regular mail was not returned. Because the Order was forwarded to Respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 14<sup>th</sup> day of Jan., 2014,

ORDERED that:

1. Respondent's license to practice nursing is hereby suspended until Respondent a) provides all the requested information in the Board's February 22, 2013 letter of inquiry regarding her February 15, 2013 arrest and all the same information for her September 14, 2013 arrest, b) provides proof of completion of 30 hours of continuing education for the June 1, 2010 - May 31, 2012 period, and c) demonstrates that she is fit and competent to practice.

2. The Board will not entertain an application for reinstatement from Respondent unless and until Respondent completes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery And Monitoring Program of the Institute for Nursing ("RAMP"), demonstrates that she is fit and competent to practice nursing, that she is in full compliance with any agreement with RAMP, that RAMP supports her return to practice, answers all inquiries regarding her arrests and/or convictions to the satisfaction of the Board, and demonstrates that she is up to date with her continuing education.

3. By undergoing evaluation, Respondent expressly waives

any claim of privilege or confidentiality that she may have concerning RAMP reports and disclosures to the Board, and use by the Board of that information in any proceedings.

4. All costs associated with the evaluation, monitoring, and/or treatment outlined above shall be the responsibility of, and paid directly by, Respondent.

5. A civil penalty in the total amount of seven hundred fifty dollars (\$750) is hereby imposed upon Respondent, which includes a penalty of five hundred dollars (\$500) for failing to cooperate with a Board investigation and a penalty of two hundred and fifty dollars (\$250) for failing to timely complete continuing education. Payment shall be made by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

6. Respondent is hereby reprimanded for her violation of N.J.S.A. 45:1-21(b) by providing a false answer on her renewal

regarding her completion of continuing education.

7. Respondent shall refrain from practicing nursing and shall not represent herself as a registered professional nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

8. The Board reserves the right to take further disciplinary action based upon any information received in the future regarding the underlying conduct which lead to Respondent's February 15, 2013 and September 14, 2013 arrests, the dispositions of the criminal cases, the results of the comprehensive mental health and substance abuse evaluation, or upon any new information received.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APRN, FAAN  
Patricia Murphy, PhD, APN  
Board President